



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

FEB 14 2013

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION,
TECHNOLOGY, AND LOGISTICS

SUBJECT: Veterans' Advisory Board on Dose Reconstruction – Membership Balance Plan and
Charter Renewal Approval

The membership balance plan (TAB A) and the renewed charter (TAB B) for the Veterans' Advisory Board on Dose Reconstruction ("the Board") are approved. However, please be advised that changes to the Departmental Federal Advisory Committee Management Program, to include new policies on committee/subcommittee membership, structure, and governance, will be forthcoming and could affect the Board. In particular, the Secretary of Defense's October 9, 2012, memorandum on advisory committees directs that "we continually assess to ensure that they deliver appropriate value today and in the future as times and requirements change," and as such, we recommend that you continually reevaluate and reduce where appropriate the Board's operating costs. A copy of the Board's charter will be provided to the Board and its Designated Federal Officer (DFO), once my Advisory Committee Management Officer (ACMO) files the charter with the Library of Congress, the Congressional oversight committees, and the General Services Administration.

As part of the charter renewal process, this office, in consultation with the Office of General Counsel of the Department of Defense (DoD OGC), has affirmed that all individuals appointed to the Board, once approved by the Secretary of Defense, shall be appointed to serve as special government or regular government employee members, as appropriate. The following points apply:

- (a) Individual members approved for appointment or renewal by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employee (SGE) members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee (RGE) members.
- (b) Each member shall be notified, in writing, of the Secretary of Defense approval decision. In preparing your appointment or renewal of appointment letters, the Board's DFO should consult the ACMO and DoD OGC, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:
 - i. Notice that their appointment to serve on the Board is without compensation, with the exception of travel and per diem.
 - ii. A statement that they are appointed to serve as SGE or RGE members, as appropriate.
 - iii. An explanation of the difference between serving as a SGE and a representative member.
 - iv. A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

Pursuant to guidelines issued by the Assistant to the President for Science and Technology and Director of the Office of Science and Technology Policy, DoD and the Board must comply with the following, as appropriate:

- (a) Ensure the selection of Board members is based on expertise, knowledge, and contribution to the relevant subject area. Membership should be fairly balanced in terms of points of view represented with respect to the functions to be performed by the Board.
- (b) All work and advice provided by the Board, subject to statutory and regulatory restrictions, must be:
 - i. Relevant, objective, and transparent.
 - ii. Treated solely as the work and findings of the Board and not subject to intra- or inter-agency revision or alteration by any DoD official.
- (c) Professional biographical information (including current and past professional affiliations) for all members appointed to the Board will be made widely available to the public (e.g., via a website), subject to Privacy Act and other statutory or regulatory considerations. Such information will clearly illustrate the individual's qualifications for serving on the Board.

As the Board's DoD Sponsor, you are responsible for:

- (a) Ensuring that the Board's DFO attends all meetings of the Board and its subcommittees for the entire duration of each and every meeting.
- (b) Ensuring that the DFO and the Board fully comply with all governing Federal statutes and regulations, to include DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program."
- (c) Ensuring that all work by the Board and its subcommittee is based upon written tasks or terms of reference assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or you, as the DoD Sponsor. All tasks or terms of reference are subject to public review and, at a minimum, shall include:
 - i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
 - ii. Authority for members of the Board or its subcommittees to access DoD officials and DoD data that is pertinent to the matter(s) under consideration.
 - iii. A budget limitation under which the Board or its subcommittees must operate.
 - iv. A date by which the Board must submit its written conclusions (advice and recommendations) to the DoD decision maker.

- (d) Providing adequate support to the Board and its subcommittees, and ensuring that the Board and its subcommittees are not unduly or inappropriately influenced by Federal employees or any special interest group.
- (e) Ensuring that all visits to DoD installations or facilities by members of the Board are done in consultation with the Secretaries of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.
- (f) Ensuring that all members of the Board and its subcommittees are appointed according to DoD policy and procedures. No member will participate in any work by the Board or its subcommittees until all of the following have been completed: the member completes and submits to DoD all personnel and ethics paperwork required for his or her appointment; the appropriate DoD offices process the individual's personnel and ethics paperwork; and the individual takes the oath of office for his or her appointment.
- (g) Ensuring that all DoD and other Federal Agency documents provided to the Board or its subcommittees are properly marked according to governing statutes, regulations, and DoD policies and procedures.
- (h) Monitoring the implementation status of any recommendation adopted by the DoD or Congress, and ensuring that this information is available for future inquiries.

If you should have any questions about this DoD program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact the ACOMO, Mr. Jim Freeman at 703-692-5952, or by email at James.Freeman@osd.mil.



Michael L. Rhodes
Director

Attachments:
As stated

A

Membership Balance Plan
Veterans' Advisory Board on Dose Reconstruction

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, under the provisions of Section 601(c) of Title VI of Public Law 108-183, the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a), established the Veterans' Advisory Board on Dose Reconstruction ("the Board").
2. Mission/Function: The Board shall provide review and oversight of the Radiation Dose Reconstruction Program and make such recommendations on modifications in the mission, procedures, and administration of the Radiation Dose Reconstruction Program as it considers appropriate, as a result of the audits conducted under the authority of Section 601(c)(3)(A) of Title VI of Public Law 108-183. The functions of the Board are as follows:
 - a. Conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction Program and of decisions by the Department of Veterans Affairs (VA) on claims for service connection of radiogenic diseases;
 - b. Assist the Department of VA and the Defense Threat Reduction Agency (DTRA) in communicating to veterans information on the mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program;
 - c. Carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretary of Defense and Secretary of VA shall jointly specify; and
 - d. Make recommendations on modifications to the mission and procedures of the Dose Reconstruction Program as the Board considers appropriate, as a result of the audits conducted pursuant to paragraph (a) above.
3. Points of View: The Board, pursuant to Section 601(c)(2) of Title VI of Public Law 108-183, shall be composed of not more than 20 members who are made up of the following:
 - a. At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program;
 - b. At least one expert in radiation health matters;
 - c. At least one expert in risk communications matters;
 - d. A representative of the DTRA and a representative of the Department of VA; and
 - e. At least three veterans, including at least one veteran who is a member of an atomic veterans group.

DoD has found that viewing complex issues through a multi-discipline advisory committee provides DoD and, more importantly, the American public with a broader understanding on which to base subsequent policy decisions.

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DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters handled by the Board.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on matters before the Board, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. The Secretary of Defense and the Secretary of VA will jointly approve the appointment of members to the Board. Appointment of Board members is done by DoD according to existing DoD policies and procedures. Board members, who are not full-time or permanent part-time Federal employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employee (SGE) members. Board membership shall be renewed on an annual basis by the Secretary of Defense and the Secretary of VA.

The Board's membership balance is not static and the Secretary of Defense and the Secretary of VA may change the membership based upon work assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)). In addition, DoD, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: None.
5. Candidate Identification Process: DoD and the Department of VA, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals with extensive professional experience and expertise with regards to the requirements set forth in paragraph three above. Potential candidates are reviewed and vetted through senior leaders within DoD, Department of VA, and the DTRA prior to their joint appointment by the Secretary of Defense and Secretary of VA.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the Office of General Counsel of the DoD and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's charter and membership balance plan. Following this review, the USD(AT&L), as the Board's sponsor, formally nominates the potential candidates to the Secretary of Defense and the Secretary of VA for approval.

Following approval by the Secretary of Defense and the Secretary of VA, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

Board and subcommittee member vacancies will be filled in the same manner as described in the previous three paragraphs. The Secretary of Defense or the Deputy Secretary of Defense, in consultation with the Secretary of VA, may approve the appointment of Board members for one-to-four year terms of service; however, no member, unless authorized by the Secretary of Defense, may

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serve more than two consecutive terms of service. This same term of service limitation also applies to any authorized subcommittees for the Board.

6. Subcommittee Balance: DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, and working groups to support the Board.

The Secretary of Defense or the Deputy Secretary of Defense, in consultation with the Secretary of VA, shall approve the appointment of subcommittee members in the same manner as members of the Board. Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the Board's sponsor and based upon the subject matters under consideration, but they must be approved by the Secretary of Defense and the Secretary of VA before participating in any subcommittee work.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as SGE members, whose appointments must be jointly renewed by the Secretary of Defense and Secretary of VA on an annual basis.

Currently, DoD has approved the following permanent Subcommittees to the Board to meet the requirements of Public Law 108-163. These Subcommittees were determined based on the mission and function of the Board. The process for determining membership balance for the subcommittees is the same as for determining Board membership. The members of the subcommittees are drawn from the membership of the parent Board and, as such, the subcommittee members must meet one or more of the points of view or functions listed in paragraph three above as it pertain to the functions of the subcommittee's work:

- a. The Subcommittee on DTRA Dose Reconstruction Procedures shall be composed of no more than four members. This Subcommittee, when tasked according to DoD policies and procedures, is responsible for reviewing and recommending to the Board improvements to the dose reconstruction process.
- b. The Subcommittee on VA Claims Adjudication Procedures shall be composed of no more than four members. This Subcommittee provides recommendations to the Board on improving the process for handling atomic veterans claims.
- c. The Subcommittee on Quality Management and VA Process Integration with DTRA Nuclear Test Personnel Review Program shall be composed of no more than four members. This Subcommittee, when tasked according to DoD policies and procedures, is responsible for providing advice to the Board on quality issues with DTRA's nuclear test personnel review and the Department of VA in its claims adjudication process for atomic veterans.
- d. The Subcommittee on Communication and Outreach shall be composed of no more than four members. This Subcommittee, when tasked according to DoD policies and procedures, is responsible for providing the Board with advice on matters of veteran outreach and communication programs.

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7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared:

B

Charter
Veterans' Advisory Board on Dose Reconstruction

1. Committee's Official Designation: The Committee shall be known as the Veterans' Advisory Board on Dose Reconstruction ("the Board").
2. Authority: The Secretary of Defense, under the provisions of Section 601(c) of Title VI of Public Law 108-183, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a), established the Board.
3. Objectives and Scope of Activities: The Board shall provide review and oversight of the Radiation Dose Reconstruction Program to the Department of Defense (DoD) and the Department of Veterans Affairs (VA) as set out in paragraph four below.
4. Description of Duties: The Board shall:
 - a. Conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction Program and of decisions by the Department of VA on claims for service connection of radiogenic diseases;
 - b. Assist the Department of VA and the Defense Threat Reduction Agency (DTRA) in communicating to veterans information on the mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program;
 - c. Carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretary of Defense and Secretary of VA shall jointly specify; and
 - d. Make recommendations on modifications to the mission and procedures of the Dose Reconstruction Program as the Board considers appropriate, as a result of the audits conducted pursuant to paragraph (a) above.
5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense and the Secretary of VA, through the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)) and the Director of the DTRA. As required by Section 601(a) of Title VI of Public Law 108-183, the Board shall submit a report that includes those items listed in paragraph four above; and shall ensure that the report includes sufficient information to allow the Secretary of Defense and the Secretary of VA to determine (1) whether any additional actions are required to ensure that the quality assurance and quality control mechanisms of the Radiation Dose Reconstruction Program are adequate and sufficient for purpose of the Program; and (2) the actions that are required to ensure that the mechanisms of the Radiation Dose Reconstruction Program for communication and interaction with veterans are adequate and sufficient for purpose of the Program, including mechanisms to permit Veterans to review the assumptions utilized in their dose reconstructions.

The USD(AT&L), pursuant to DoD policy and as the Board's sponsor, as well as the Department of VA, may act upon the Board's advice and recommendations.

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6. Support: The DoD, through the USD(AT&L) and DTRA, shall provide support, as deemed necessary, for the performance of the Board's functions and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$438,000.00. The estimated annual personnel cost to the DoD is .9 full-time equivalents.
8. Designated Federal Officer: The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed, in accordance with established DoD policies and procedures.

The Board's DFO is required to be in attendance at all meetings of the Board and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly appointed to the Board according to the DoD policies and procedures, shall attend the entire duration of meetings of the Board or its subcommittees.

The DFO, or the Alternate DFO, shall call all of the Board's and subcommittees meetings; prepare and approve all meeting agendas; adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the official to whom the Board reports.

9. Estimated Number and Frequency of Meetings: The Board shall meet at the call of the Board's DFO, in consultation with the Board's Chairperson. The estimated number of meetings by the Board is two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Board shall terminate upon repeal of Section 601(c) of Title VI of Public Law 108-183.
12. Membership and Designation: The Board, pursuant to Section 601(c)(2) of Title VI of Public Law 108-183 and DoD policy, shall be comprised of not more than 20 members made up of the following:
 - a. At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program;
 - b. At least one expert in radiation health matters;
 - c. At least one expert in risk communications matters;

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- d. A representative of DTRA and a representative of the Department of VA; and
- e. At least three veterans, including at least one veteran who is a member of an atomic veterans group.

The Secretary of Defense and the Secretary of VA will jointly approve the appointment of Board members for the duration of the Board, and according to DoD policy, with annual renewals of appointments. Board members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts or consultants under the authority of 5 U.S.C. § 3109 and to serve as a special government employee (SGE) member. Each member of the Board is appointed to provide advice on behalf of the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest. With the exception of travel and per diem for official travel related to the Board, members of the Board shall serve without compensation.

Board members, with the approval of the Secretary of Defense and the Secretary of VA, may serve a term of service on the Board of one-to-four years; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service on the Board, to include its subcommittees.

13. Subcommittees: The Department, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Board's sponsor.

Such subcommittees shall not work independently of the Board and shall report all of their recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to DoD or any Federal officer or employee.

All subcommittee members shall be jointly appointed, in the same manner as the Board members, by the Secretary of Defense and the Secretary of Veterans Affairs according to governing DoD policies and procedures, even if the member in question is already a Board member.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as SGE members, whose appointments must be renewed jointly by the Secretary of Defense and the Secretary of VA on an annual basis. Subcommittee members, with the approval of the Secretary of Defense and the Secretary of VA, may serve a term of service on the subcommittee of one-to-four years; however, no member shall serve more than two consecutive terms of service on the subcommittee, unless authorized by the Secretary of

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Defense and the Secretary of VA. With the exception of travel and per diem for official travel related to the Board or its subcommittees, subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice to the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees, task forces, and working groups shall operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies and procedures.

Currently, DoD has approved the following permanent subcommittees to the Board to meet the requirements of Public Law 108-163:

- a. The Subcommittee on DTRA Dose Reconstruction Procedures shall be composed of no more than four members and is responsible for reviewing and recommending improvements to the dose reconstruction process. The estimated number of meetings is two per year.
 - b. The Subcommittee on VA Claims Adjudication Procedures shall be composed of no more than four members and deals directly with the Department of VA to improve the process for handling atomic veterans claims. The estimated number of meetings is two per year.
 - c. The Subcommittee on Quality Management and VA Process Integration with DTRA Nuclear Test Personnel Review Program shall be composed of no more than four members and deals with quality issues with DTRA's nuclear test personnel review and the Department of VA in its claims adjudication process for atomic veterans. The estimate number of meetings is two per year.
 - d. The Subcommittee on Communication and Outreach shall be composed of no more than four members and deals with veteran outreach and communication programs. The estimated number of meetings is two per year.
14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to Section 2, General Records Schedule 26, and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date: